

MINUTES

WARRICK COUNTY AREA PLAN COMMISSION

Regular meeting to be held in Commissioners Meeting Room,
Third Floor, Historic Court House,
Boonville, IN
Monday, May 10, 2021, 6:00 PM

PLEDGE OF ALLEGIANCE: A moment of silence was held followed by the Pledge of Allegiance.

MEMBERS PRESENT: Amanda Mosiman, Doris Horn, Jeff Willis, Richard Reid, Bill Byers, and Bob Johnson. Member absent was Bryan Flowers.

Also present were Morrie Doll, Attorney, Molly Barnhill, Executive Director, Katelyn Cron, Assistant Director and Glenda Schapker, Staff.

MINUTES: Amanda Mosiman made a motion to approve the April 12, 2021 minutes. The motion was seconded by Richard Reid and carried unanimously.

President Willis said it looks like we have two primary plats and one re-zoning on the agenda tonight. He said the re-zoning will go to, either for or against, as a recommendation to the County Commissioner's at their next month's meeting. He said as we go through these if the applicant and owner would please step up to the podium, there is a sign in sheet and if you could please state your name. Anyone here to rebuttal is welcome to come up and there will be a 20 minute time limit and we ask there are no repeating arguments.

PP-21-03: Victoria Woods Section 1: PETITIONER/OWNER: Oakland Holdings, LLC by Jordan Aigner, Managing Member. 391.02 acres located NE of the intersection of Oak Grove Road and Roslin Road, Wethers Road and Roeder Road. Being Lot No. 1 in Victoria Woods Subdivision as recorded in Doc. #2013R-012548 in the Warrick County Recorder's Office and Lot No. 1-A in Corrected Amended Plat of Lots 1 & 3 in Victoria National Golf Club Minor as recorded in Doc. #2018R-005712 in the Warrick County Recorder's Office. Boon Twp. 17-6-8 and 18-6-8. *Complete legal on file. (Advertised in the Standard April 29, 2021).*

Jim Morley Jr., Project Engineer, and Jordan Aigner, Managing Member were present.

President Willis called for a staff report.

Mrs. Barnhill said we are missing 3 green cards from Thomas & Christina Williams, Andrew Thacker, and Bonnie S Edwards Trust. She said we do have all the white pay receipts showing they were mailed correctly, the post office did mark two envelopes as "NOT DELIVERABLE" and returned them to our office, and those were addressed to Chris & Amanda Daum and Country Gal LLC. She said the zoning is "C-2" Community Commercial with a Use and Development Commitment limiting the uses to single family residences, fractional sales on condominium buildings, multifamily sales, and private use of a resort, lodging, or conference center. She said the structures shall be no more than two stories and no more than eight units per structure. She said

the property is partially in Zone A. She said the base flood elevation has been determined in this area which has established the flood protection grade to be 389.8', therefore, the lowest floor elevation for a new building or an addition to an existing building proposed in the special flood hazard area must be elevated to the FPG. She added if a basement is included the basement floor should be considered the lowest floor. She said a certified plot plan will be required or a LOMA, Letter of Map Amendment, before someone can build. She said they are proposing 94 lots with 16 outlots. She said the Commissioner's approved the street plans today and the Drainage Board approved the drainage plans today. She said we have a letter from Mayor Charles Wyatt stating he "will confirm the City of Boonville's commitment to provide water and sewer treatment capacity for the estimated 400 residential equivalent development..." She said the proposed development is 94 residential lots for single family dwellings with an average lot size of ½ acre up to 2.0 acres. Outlots 1-8 & 10-12 are for future development. She said Outlot 9 is the lake, walking path and recreational structures such as; gazebo's, shelter houses, or park structures. She added Outlots 13-16 are road islands. She said we do have a couple waivers and each one would take a motion. She said the engineer will go over each of these but there is a sidewalk/trail waiver, an easement waiver for easements to be less than 6' in width on the lot, a waiver for contours shown on the plat, and a waiver for the Form of Submission of the plat. The plat was submitted larger than what the ordinance requires which is a 2'X3'. She said the only condition is the consent agreement with Alcoa on the easement that goes over a major portion of this lot. She added the plat is in order.

Jim Morley Jr. said I am the project engineer on this project. He said I will start with all the waivers, the first was the sidewalk/trail waiver. He said it just says that we are not going to have all sidewalks, we will have a walking path instead. He added we will have some conventional, concrete sidewalks and so it is a combination of those two different things. He said we had met and had some discussions about this previously with the School Corporation Rep just making sure we had the ability for kids to have to get to the school bus and that kind of thing, safely, and so we had that conversation. He said the next waiver request was for easements, typically we have a minimum of 6' easement on each lot and when we do easements for drain pipes between lots typically they are 12' wide but we make them 5' on one side and 7' on the other and a person may say, "jeez Jim, why don't you just center it on the lot", well it is because the pipes aren't centered under the property line because when you put the pipe center in the property line when you go in to put the property pins in on the property lines you hit the pipe and you can't drive the property pin in. He said so we offset the pipes, which allow to drive property pins all the way down, so we offset the easement 1' so the easement is centered on the pipe and not on the lot line. He said so we have 5' on one side and 7' instead two 6' easements so that is what that is about. He said the plat size that is just because it is a really big piece of property. He said as you can see, that is what 4 or 5 pieces taped together, which is the biggest scale we can use and meet the Warrick County Ordinance and so we tried to fit it on 4 pieces instead of 7 pieces and then the contours, typically we would give you contours every 1' increment or 2' increments, depending on what it is. He said it is 2' by code but typically there are not as many contours as there are out here. He said as you all know, this is all old, un-reclaimed mine ground and so it has a lot of terrain on it so if we gave you that density of contours it would be difficult to see whatever else is underneath it. He said we gave contours on a 5' interval instead to help make it so you could see things underneath it, so those are all of those waivers. He said as Molly said, the project received drainage plan approval, road plan approval, the project enters, so if you look at this one (referring to an exhibit) this is probably easiest. He said the projects main entrance will come off of Oak Grove Road, right at

where Roslin Road and Oak Grove Road intersect. He said we will actually tie into Roslin before it ties into Oak Grove Road, it will go due north. He said the developer has purchased property from Mr. Wood who used to have all of that ground to get a better access into this project, some of you all may remember this project from years gone by when it was going to be Greenlife and they actually were going to maybe come around a little different path and it was actually going to be harder to get back in there so they are actually going to have a better, direct route into the project. He said for the most part, about two-thirds of it will run up the existing, the old haul road that went up through there and then once you get up in the bend area around lake number 3, we came off of that to preserve that lake area. He said we come around that and then tie into the intersection of Baker Road and Jenner Road. He said so when it is all said and done, as you are driving west on Jenner you would drive right into this project. He said this road will basically just stub into that, the outside elbow of that 90 degree turn at Baker and Jenner. He said as Molly said, 94 lots typically between a half acre and two acres. He said there are some Outlots, and some of the bigger areas out here (referring to an exhibit) kind of between these numbers those are Outlots now and it is undetermined what those lots look like out there. He said a project this size, it takes a while to develop and so we will see what the market bares. He said if the market calls for all 2 acre lots then we would make 2 acre lots but if the market calls for more half acre lots then we would make more half acre lots, but because of the planning process we do not want to do a bunch of guessing when we really just don't know. He said we feel really confident with about the demand for the first 94 lots and then anything after that we would have to come back to this Board, plus Commissioner's for road plan approval and drainage plan approval for any future development for anything past these 94 lots. He said we feel like it is a great plan and we ask for your approval.

Amanda Mosiman said one of the conditions is IDEM approval for wetlands so what does that look like for you guys. She asked what are you having to do on that aspect.

Jim Morley Jr. said Jordan Aigner is actually taking care of all of those permits.

Mrs. Barnhill said they did send that to me today if you would like to see a copy of that, I received it right before 4. She asked or did you bring copies.

Jordan Aigner said I did, this is the email that I had sent. He said these are permits basically A, B, C, and D and you do have this in Molly's email. He said some of these are not what you all had asked about but they are just potent permits I thought you all should have. He said so "A" should be, well you are probably familiar with all of these, but it is your rule 5 typical Storm Water Permit approved through the state and our local MS4. He said "B" is that 401 IDEM Water Quality Certification. He said "C" is the Core of Engineer's, I will come back to that one. He said "D" is an IDEM Berm Permit. He said so the letter "C", I am sure you are also aware of this, what happened was is the Core of Engineer's there jurisdiction got changed legislatively from the federal government. He said it got pulled back quite a bit and so the previous developer actually had an approved permit, however there jurisdiction, they could not change the permit into my name because their jurisdiction showed on record that they actually had more than what they have today just from what the federal government had changed so they said well just go under the 401 because it is all permitted wetlands, it all just depends on what bucket it goes in the state's jurisdiction or the federal government. He said Justin Garrett is our permit contact you can talk to

him if you have further questions but he could not let that old permit stay out there because it has too much reach. He said he couldn't go on record saying that that is under his jurisdiction so drastic reduction of what his jurisdiction is, however the state had the balance of the jurisdiction. He said so not one wetland out there that was previously under jurisdiction by somebody got removed. He said it is either less in the federal government and more in the... He said it is basically that case and more in the state and so those letters represent that. He said I also went out, a week and half ago, with the Core of Engineer's and they did have some complaints, they took a look at it and I did put a blue box around the comments they made saying that everything is in compliance with their jurisdiction and certainly with the water quality as well. He asked do you have any questions about the permits for me, or anything else I guess for me.

Amanda Mosiman asked the combo sidewalk/trail waiver, is the entire community as it is now, these 94 lots somehow between that combo walkable.

Jim Morley Jr. said yeah there were some streets that only have a sidewalk on one side of the street verses two sides of the street because we were trying to keep it as green as possible. He said on some parts we ran up a ways and then picked something up, like on the cul-de-sac we ran a path over to the end of the cul-de-sac so everybody could get from the cul-de-sac to the trail system. He said ultimately the trail would run from Roslin Road come up through here (referencing exhibit) and then it kind of comes up kind of near that turquoise line kind of all the way up to Baker and Jenner Road. He said it is quite an extension of the trail, several thousands of feet which should make for a really nice view because part of it is along the lake and part of it is back through the woods so it will have a cool feel to it.

Mrs. Barnhill said Amanda, you should have an exhibit in your packet.

Bob Johnson said there is, it is the last page.

Jim Morley Jr. said we put it all on one page that is a win, you don't have to tape it together.

President Willis asked is the red the trail and the blue the sidewalk.

Jim Morley Jr. said yes.

Molly Barnhill said they have also submitted a dollar amount for the trail and the sidewalk and the developer will post surety for the completion and put them in. She asked and then the homeowners' will maintain that, is that correct.

Jim Morley Jr. said yes, there was some concern on who would maintain that and so the Home Owner's Association will get to sign on for that one.

President Willis asked between lakes 1 and 2 are there sidewalks that go up one side of the road, both sides of the road or is that...

Jim Morley Jr. interjected no, once the stuff between 1 and 2 is not part of the project now. He said it is just vacant ground, just an Outlot so to use this map here (referencing map). He said so this is

lake 4, this is lake 2, and this is lake 1 so you can see there is really just nothing. He said this is Outlot 10, Outlot 6, Outlot 3, and so on. He said it is just future development ground and so we did not take the roads out there. He said there is an intersection and the curb will turn out but there is no road going that direction.

President Willis said okay.

Jim Morley Jr. said once they figure out what that looks like then we will figure out are we taking an 8' path up there or a sidewalk up there what exactly does that look like.

President Willis said well the blue line shows you are taking a road up to the south of lake 1.

Jim Morley Jr. said oh, that is the Estates area and we had a conversation and due to the lot size, those are larger lots and based on our conversation with the school it was okay to not take the sidewalks up through there. He said it is similar to what was done at Victoria Estates, there are no sidewalks that go through Victoria Estates section either.

Mrs. Barnhill said they are not required for lots of 1 acres or more.

Jim Morley Jr. said yeah and those are all larger lots so.

Amanda Mosiman asked is the lake access going to be restricted to the lots actually on the lake or is it going to be community access.

Jordan Aigner said we are going to handle that with an HOA, Development Plan, and CNR's (Restrictive Covenants).

Amanda Mosiman said okay.

Jordan Aigner said it is not, and we should probably mention there is a balance, with any property, but we are trying to say what can we keep of nature and where do we need to have a lot. He said so that loop at the top, we did that on purpose to save a natural park area with some water some actual trees, to your point of a real walkable community and to be able to extend that all the way down through will be quite a change. He said so I can't say as a developer "look at this beautiful place" and then tear all the trees down. He said we have to take some down, so our point with that is we are going to have another trail system that will come internal, as these phases move forward and we will not have every person having a dock and taking every tree down on every one of these canals. He said number one that would be an erosion problem, and there are a lot of beautiful trees and you can conserve that look if you pull the houses back and put the trail in the backyard and you can preserve some of those trees as well. He said to your point, of everyone having lake access, there will be designated locations where we are going to have more community docks but this is not going to be a place where everyone has their boat and they have motors on them. He said it is not really a boating community, it is more or less a nature community.

Jim Morley Jr. said I will also say that putting the walking trails in the backyards is similar to Eagle Crest a long time ago where Cracker Barrel is and if you have ever noticed they have a

walking trail around that lake there and that walking trail is actually the sidewalks that were going to be out at the street and we said nobody wants to walk out along the street they would rather walk around the lake, and so we just moved the access from out around the road to along the lake. He said in future phases of this we want to try get people walking around a pretty lake rather than along a 30' street out front. He said the pretty stuff is in the back it is not in the front so to speak.

President Willis asked any other questions from the Board. He said being none, any remonstrators for or against this project.

Chris Daum, Property Owner of 1544 Center Rd., was present.

Chris Daum said so I just have a question with Jordan. He said we have our own Home Owner's Association and we are just trying to conserve our own waterfront, our lake that we live on. He said we do not want it to be over populated, you have over 400 homes and if you give access to every one of those homes into the lake it becomes a safety hazard and so on. He asked what are we doing to address that exactly.

Jordan Aigner asked so your question is the amount of, what do we have Jim 90 lots.

Jim Morley Jr. said 94.

Jordan Aigner said 94, okay. He said so what are we doing to restrict or control that amount of people on the water. He asked is that correct.

Chris Daum said right.

Jordan Aigner said so similarly with what I was talking about with community docks, not everybody is going to have a dock so naturally when not everyone has a dock you have to make the decision to say okay I am going to go down over to the community dock and not out the back door. He said I think naturally that will restrict a little bit, but other than that they will still have the same ability that you do to get on the water.

Chris Daum said well I have it through my property line, so I am on the property so I am on the lake. He said if you want access though you have to pay a fee to go boating. He said you know to the Home Owner's Association.

Jordan Aigner said right, for your Association. He said ours is going to be a Master HOA and we will have fees as well. He said I do not think we will have a separate HOA, one for water and one not, it would just be everyone could have the ability. He said what type of boating that is, I don't know. He said I am not saying, right now we are thinking canoes and trolling motors. He said so right now we are not even thinking really an outboard motor or anything like that.

Chris Daum said okay, I think it will be a future discussion once the project goes on. He said I still am concerned with over population. HE said I just want to bring that up.

Jordan Aigner said I agree, so you guys, whoever owns the property around your lake, you know there are individual owner's and then there is an HOA and I don't know how that is all set up but if you guys ever tell me don't come on your property then that is what we will do.

Chris Daum said I don't think we have that, I don't think that is an issue. He said I mean a shared lake is a shared lake, you know I have access pretty much with everything and I am okay with sharing with other people. He said I just don't want to share it with 400 people.

Jordan Aigner said yeah, right.

Chris Daum said it is just not a big enough lake.

Jordan Aigner said well if you guys ever feel like we need to restrict it to this area (referencing the map). He said you know this is basically what I call the project proper and in the future if you all are wanting to restrict it just these homes I am sure we will talk to you about that.

Chris Daum said okay.

Jordan Aigner said these folks are going to be just like you so I wouldn't want to restrict those folks cause they are just like you, right, but 50 or 60 versus 400 is quite different so I would be happy to talk to you guys about that. He said we are not there yet cause I don't know how that is going to develop but we want to be good neighbors and when we are fully developed we want to lay ground work that it is already laid out there and it is good. He said if you feel like you guys want to discuss some paramaters in the future I would be sure happy to do that.

Chris Daum said okay, thank you.

John Sanders, 1500 S. Center Road property owner, was present.

John Sanders said I am not a fan of this as well. He said I live right next to him, we are almost direct neighbors (referring to Chris Daum). He said my property goes right onto the lake as well. He said part of it is we bought our home and he built his home on his property with an amazing view on this lake. He said this is going to hurt the value of our homes and it is part of the reason we moved to this area. He said sharing the lake will just stink because we bought it for the privacy. He said also I just put a shooting range in because I am a great outdoorsman, I got a rifle range back there and everything and I love having the animals over and things like that. He said another huge issue is there is a huge grey bat problem that live there that come over to our properties. He said I added a third bay on our pole barn and closed in the carport because I have a bunch of grey bats that live there so I put bat houses on to help alleviate with that. He said that is really going to increase the bat population over there too. He said the amount of bat poop that I have cleaned up is quite high so I am only imagining how much higher that is going to get and how many more bats that they are going to come over and live. He said I mean that is part of the reason we moved and sold our house and came here. He said I mean I get wanting to put houses there and stuff like that but I have to at least come and state my concern of course so.

President Willis said right, thanks for coming. He asked any more remonstrators for or against this project.

Jim Morley Jr. said just to add to the point, all of those folks live on the other side of the lake that runs along the west property line and all of that ground touches outlots. He said all of that ground is not a part of this plat, they are all outlots and so as this project materialized and gets its legs underneath it and these things start to come together it will create a better vision for what that even looks like over in that area. He said as far as this goes though what you have in front of you they are all on the, as you are looking at your piece of paper, they are all on the right hand side of your piece of paper. He said we are only talking about the right hand side as of now and as this project can hopefully be approved tonight and then we will start to see how that feels and what the end product looks like. He said when we come back to you in the future, hopefully for the next section, I think everybody will have a lot better understanding of what that looks like.

President Willis asked any other questions from the Board.

Bill Byers asked is there only one shared lake.

Jim Morley Jr. said correct, lake 2 is the only the one that the adjoiners are on. He said all the other lakes are independent lakes internal to the property.

Bill Byers said thank you.

President Willis asked any questions on the sidewalk/trail waiver, if not I will entertain a motion.

Bob Johnson made a motion to grant the sidewalk/trail waiver. The motion was seconded by Richard Reid and carried unanimously.

Amanda Mosiman asked Morrie do we have to approve the project before we start giving waivers.

Attorney Doll said I would prefer you did, yes.

Richard Reid made a motion to approve PP-21-03. The motion was seconded by Bob Johnson and carried unanimously.

President Willis said okay, now I will take a motion on the easement waiver for easements to be less than 6' in width on the lot.

Amanda Mosiman made a motion to grant the easement waiver for easements to be less than 6' in width on the lot. The motion was seconded by Richard Reid and carried unanimously.

President Willis said a motion on waiver for contours shown on the plat.

Richard Reid made a motion to grant the waiver for contours shown on the plat. The motion was seconded by Amanda Mosiman and carried unanimously.

President Willis said a motion on waiver from Article 3(A) Sec. 5: Form of Submission.

Richard Reid made a motion to grant the waiver for Article 3(A) Sec. 5: Form of Submission. The motion was seconded by Amanda Mosiman and carried unanimously.

Jim Morley Jr. said thank you all we appreciate.

Richard Reid said thank you, good luck.

PP-21-05: Bell Road Apartments PUD East: PETITIONER/OWNER: Crescent Valley Capital, LLC by Raiza Indiana Trust, Mansoor Khan, Manager. 16.60 acres located on the W side of Bell Road. Approximately 500' N of the intersection formed by Bell Road and High Pointe Drive. Ohio Twp 22-6-9. *Complete legal on file. (Advertised in the Standard April 29, 2021).*

Scott Buedel, Project Engineer, was present.

President Willis asked is the owner here or.

Scott Buedel said I am texting him, I am trying to get an answer. He said he had an emergency surgery at 5 oclock so I am trying to find out if he can make it. He asked can you please push it back.

Attorney Doll said please, let us know.

President Willis said we can do that.

PC-R-21-02: PETITIONER: Jacobsville Developers East, LLC by Jerry Blanton, Agent. OWNER: St. Luke Lutheran Church, Inc. by John Catt, Chairman. To rezone 1.31 acres located on the E side of Epworth Road. Approximately 290' S of the intersection formed by Epworth Road and Orthopedic Drive from "A" Agricultural Zoning District to "C-4" General Commercial Zoning District. Ohio Twp. 26-6-9. *Complete legal on file. (Advertised in the Standard April 29, 2021).*

Krista Lockyear, Lockyear Law, was present.

President Willis asked for a staff report.

Mrs. Barnhill said we do have all the green cards showing the adjacent properties were notified correctly. The lot size they are rezoning is 1.31 Acres. The comprehensive plan shows the area to be moderate to high density residential, bordering commercial. She said the existing land use is Saint Luke Lutheran Church. She said the surrounding zoning and land use to the south is zoned "R-1D" being Schnapff Hill Subdivision with single family dwellings, to the west is zoned "M-1" being Deaconess Gateway Hospital, to the north is zoned "C-4" being Orthopedic and Associates, and to the east is zoned "C-4" being vacant. She said there is no flood zone and the property has access to Epworth Road. She said the applicant's stated use is an Expansion of Orthopaedic Associates which would be in compliance. She said there will be a primary plat filed to divide the 1.31 acres from the church to go with the property to the north.

President Willis asked anything to add.

Krista Lockyear said yes, thank you. She said members of the Commission again, I am Krista Lockyear, on behalf of the petitioner and the owner. She said Jacobsville and Developers, LLC is the property owner of the property to the north, Orthopaedic and Associates, and they had approached their neighbor next door, St. Luke's Church in an effort to try and find some land to expand their development there. She said at their point we do not have building drawings. She said we have not submitted anything for site review, we wanted to get the rezoning approved before we moved forward with the exact drawing plans. She said our engineer, Morley and Associates, has met with Molly and staff and we are aware that as we move forward we would work with them on site review, expansion of Orthopaedic Drive, and a driveway to the new building. She said the plan is for a new building, not just parking for Orthopaedic Associates. She said I did have one call from a neighbor, Mr. Tom Key. She said I spoke to him about a buffer and with our client whom I should introduce, Jerry Blanton, the CEO is here. She said he can answer questions that I may not be able to about the specific develop plans, but Jerry and I had already talked about a buffer to the neighborhood that is adjacent to this property. She said Mr. Key was concerned about some of the plantings that were there now are a bit of a nuisance to him. She said he and his wife are planting some arborvitae and he said he would love for us to put some more arborvitae there to give them more of a buffer there. She said my client has expressed the willingness certainty to do that. She said again, as we get specific drawings for the building, lighting, parking, nature, anything like that we would be certainly happy to work with those neighbors to be good neighbors to them and make sure they have an appropriate buffer. She said I would be happy to answer any questions and as I mentioned, Jerry might be able to answer some questions that I may not be able to.

Amanda Mosiman asked the buffer that would need to be put into place is what, two homes.

Krista Lockyear said there are about two and a half and there is just shrubbery there if you will and it is kind of a hodgepodge and Mr. Key indicated, like I said, a bit of a nuisance. She said so ultimately it will get cleaned up and replanted there.

Amanda Mosiman said may I suggest anything but arborvitae, please. She said or else I am going to be diagnosing it in a few years.

Krista Lockyear said understand, understand. She said we may reach out to you when we get into the development. She said I know that is their planting of choice, that is what they are putting in their yard so something maybe that will blend in well with that.

President Willis asked any further questions from the Board. He asked any remonstrators here for or against this project.

Thomas and Holly Key, 10300 Schnapf Lane, were present.

Holly Key said our main concern is, I heard you say two and a half houses, but if there is lighting and stuff it is going to affect all of our backyards there. She added we have an amazing night light right now of a hospital that shines in our backyard all night long, every night. She said our concern

is what kind of lighting is going to be headed our way and you know it is a dead end street and it is very private homes down that street and our fear is what is going to be back there and who is going to be back there, and our bedroom faces back that way so how dark of blinds do I need to purchase. She said we have already spent a couple thousand dollars in fencing and trees in anticipation of this happening, and we planted these a couple weeks ago. She said any kind of buffer between us and that would be great. She said we were here before any of this was there and everything has kind of built up around us. She said we didn't move into this situation, that is our main concern. She said and I appreciate you reaching out (referring to Krista Lockyear) because I was really surprised when he had already gotten a phone call but I think it would affect more than just ours and our neighbors houses is our concern.

Thomas Key said in the winter when the trees are not there all the light shines straight in our backyards now so, yeah there is a church in between us but the light shines right by it and unto us. He said I am looking at Orthopaedic Associates now, so now they are going to come around the corner and be right up against my property and I know they are talking a buffer but if we could just get those old, dead catalpa trees down and plant some of the trees that I put that get 15' tall that would eliminate a lot of that. He said I planted 20 of them already and put fence up because I knew it was coming when I saw the stakes out.

Holly Key said that still isn't going to take care of the lighting either. She asked what type of building is being anticipated.

Jerry Blanton, CEO Orthopaedic and Associates, was present.

Jerry Blanton said our hours of operation are pretty different than Deaconess's, my lights aren't keeping you up now are they.

Thomas Key said well as soon as it gets dark they are still on.

Holly Key said the lights are on all the time.

Jerry Blanton said the lights aren't going to be on past 10:30 because I do not want to pay the bill for them to be on later than that but I also have no problem with saying 15' trees or whatever. He said we are all about the green space anyway so.

Thomas Key said perfect, we have that sewer and gas line that runs through there so we have a pretty big buffer right now.

Jerry Blanton said right, there is going to be an easement between and then we would want something so that were not looking into your backyard as were working anyway so that won't be a problem. He said that is part of our plan and I have no problem formalizing that if I need to.

Holly Key said it probably sounds silly to ask for a buffer and to ask to have trees taken down but the trees are catalpa trees and they are dead and the vines have over taken them and we have probably already spent around \$20,000 on taking things down, that is probably another \$10,000 to get all those but to have to look at them plus more behind it would be.... She said you know we

have a pool, we are out back a lot, and we like our privacy. She said anything we can get to keep our privacy would be great. She said our neighbors couldn't appear tonight but they all have the same opinion and we have talked to them.

President Willis said well it sounds like they are willing to work with you on it and right now they are not building anything they are just trying to get it rezoned.

Holly Key said right, right but we are seeing it coming down the road that is why we got proactive, so.

Bob Johnson said yes and it is on the record now.

Amanda Mosiman said yeah and then we can work on it as soon as they file anything else.

Holly Key said thank you.

Thomas Key said thanks.

President Willis asked any more questions or remonstrators, being none I will entertain a motion.

Bob Johnson made a motion to give a positive recommendation to the County Commissioner's PC-R-21-02 for final approval. The motion was seconded by Richard Reid and carried unanimously.

Mrs. Barnhill said this will go to the County Commissioner's on June 14 at 4:00.

Complaint: Newburgh Dollar Store – 6933 Sharon Rd. Possible violation of their "C-1" Neighborhood Commercial Zoning with a Use and Development commitment. *Continued from April 12, 2021 meeting.*

President Willis asked for a staff report.

Mrs. Barnhill said we had discussed this at the last meeting and the Board made a motion to allow the Dollar Store until May 10 to either order or plant trees. She said we went out there on the 7th and those pictures are in the back of your packet and it pretty much looked the same. She said we have not heard from the gentleman who appeared at the last meeting. She asked is he here tonight. She said okay, he is not here tonight but here are the pictures and it looks the same.

Bob Johnson asked even the fence Molly.

President Willis said well the fence wasn't in our requirements.

Bob Johnson said that's right that is correct.

Mrs. Barnhill said the Hobgood's are here, they were the ones who filed the initial complaint and they were right next door to this.

Holly Hobgood, 6899 Sharon Road, was present.

Holly Hobgood said I took some photos before I came if you wanted an update from the week prior.

Mrs. Barnhill said if you want to leave them with the Board then that would be fine.

Holly Hobgood said yes, I did not have time to make copies but it does show there have not been trees replaced, they are still missing, there is still some trash, and I know the fence is not part of the zoning but he had mentioned in the last meeting that he would fix it and it has not been repaired. She said none of it has been done, but I want to mention that for whatever reason they did not mow behind the retaining pond and I believe that is part of their property. She said they did mow it all last summer, I didn't know why they didn't mow that. She said so far nothing has been done that he said he would do.

Amanda Mosiman asked has the trash been better.

Holly Hobgood said I mean it is better than it was when I first made the complaint but there is still trash. She said I took some pictures and I did get some of cardboard next to when people drive in. She said you know it has been windy, I can't say that you can always control all the trash but if someone went out every day and picked up the trash that would help. She said there has not been trash along my treeline today but there has been other days. She said maybe they have done some improvements on that.

Mrs. Barnhill said we did have two different contractors that had wanted us to email them the landscaping plans but we have not heard anything other than that.

Richard Reid asked shall we turn this over to the attorney now for a letter.

Attorney Doll said it is whatever the Board wants.

Holly Hobgood asked so what happens at that point.

Attorney Doll said it will go to the property owner as well as Dollar General, the tenant, it will tell them this is their final notice before an enforcement action, it will give them a specific period of time, I would prefer if the Board would tell me what that time period is, whether it is 10 days or 2 weeks, to bring it into compliance and whether they do so would mean that they could file an enforcement complaint in the Warrick Courts against them and ask for an assessment of a fine. He said fines can be up to \$300 per day.

Amanda Mosiman said 30 days.

Richard Reid said 30 days sounds good to me.

Holly Hobgood said you know you would think it would be easy to do. She said maybe he has a good reason for not doing it.

President Willis said well you know he was supposed to let us know if he couldn't get the trees ordered and he didn't do that.

Amanda Mosiman said right he should have told us if they put the work order in or ordered trees or something to that effect.

Bob Johnson said personally I think 30 days is a bit long.

President Willis said our next meeting is what the 14th.

Mrs. Barnhill said well that is my question, Morrie sends the letter and it says 30 days, am I to go back out there and inspect it and put it back on the agenda for a report on it or what happens then.

Attorney Doll said I think you are, so we can keep the Board advised of whether he is coming into compliance or not. He said I would hope they would reach out to me but there is never a guarantee that will happen, but I agree with Commissioner Johnson, I think that 30 days gets tight for us to be able to deal with this at the June meeting. He said I think it ought to be 20 or 21 days, at most and then that way when we are here in June you can tell me to file suit or not file suit.

Richard Reid made a motion to let the attorney give a final warning letter for 21 days. The motion was seconded by Amanda Mosiman and carried unanimously.

Bob Johnson said I am sorry you have to continually go through this.

Holly Hobgood said it is okay, thank you. She asked do you think we will need to be here at the June meeting then.

Attorney Doll asked well are you available in June.

Holly Hobgood said well our 25th anniversary is June 15 and I did not know when the meeting would fall.

Attorney Doll said it is the 14th isn't it.

President Willis said yes.

Holly Hobgood said yeah we will be out of town.

Amanda Mosiman said from my perspective it is very apparent what needs to be done and you have been here.

Bob Johnson said we just have to go through the process.

Amanda Mosiman said just because you are not here does not mean we are not going to move forward with it.

Holly Hobgood said maybe before we go we could touch base.

Mrs. Barnhill said yes, you can call me the week before and we will be back out there to take pictures too.

Richard Reid said congratulations.

Holly Hobgood said I appreciate it, thank you.

Complaint: Steven & Julie Tron – 3611 Canterbury Ct. Possible violation of the "R-1A" One-Family Dwelling regulations, in regards to backyard chickens.

Mrs. Barnhill said we had a complaint that was filed stating "the neighbor has more than 6 chickens and at least 1 rooster. I would say he has at least 15 chickens." She said we have pictures in that packet that were filed that day as well. She said the property in question is lot 34 in Springston Canterbury Green Sec. C Subdivision and is zoned "R-2" Multiple Family. She said based on the photos filed with the complaint we sent the owners of the property in question 2 copies of a letter on March 16, 2021 notifying them of the possible violation. She said one copy was sent regular mail and another was sent certified with return receipt. She said we asked them to please contact the office and if the situation had not been remedied then the matter would be on the May 10th APC agenda for further action. She said I visited the site on May 3rd for an update and could not see much from the road but there were some ducks across the retention basin and the chicken coop was still there. She said the son of the property in question called the office on May 6th to talk about this and said the chickens are gone, the coop is up, and the ducks are not theirs. She said they are here tonight and the lady who filed the complaint was here tonight. She said to be in compliance they could only house 6 female chickens and would need to obtain an Improvement Location Permit for the coop, which presently appears to be in an easement.

William Tron, dependent 3611 Canterbury Court, was present.

William Tron said my brother and I actually started building the chicken coop with some friends. He said we are twins and we are seniors at Castle, it has been a little rough trying to get to graduate and get all this situated. He said my dad is actually disabled. He said he is disabled with the government and all that so he can't actually go down and help us. He said he can't get down the hill, because as you see it is a very hilly area. He said so me and my brother and actually two other of my friends built that and those friends are seniors also. He said I was able to get all the chickens sold after hours and hours trying to get the chickens sold. He said I contacted people from other states to actually come in and get the chickens. He said there are 5 chickens left now and they are hens, they are about 2 months old but I haven't found anyone to get them yet. He said but on the thing it says 6 females and there are 5 left. He said that is pretty much it. He said

wait, I am sorry, I am sorry I would like to ask for maybe another two weeks. He said could there possibly be another inspection done. He said I graduate in about 8 days and I would just like for a little more time because as soon as school ends I can get some friends out there and we can get to tearing that coop down, the chicken wire, and get all this stuff gone. He said I would just really like to ask for two more weeks until somebody else can come out and re-look at the site again.

President Willis asked for remonstrators.

Christina Stefurak, 8155 Cobblestone Court, was present.

Christina Stefurak said I live across the pond and the reason we bought the house is because of the pond, there is also a nice weeping willow tree. She said their house is on the top of the hill and they have this chicken coop all the way down at the bottom. She said I have a beautiful yard, the pond is right there, and I got to look at this dilapidated chicken coop every single day. She said they have more than 6 chickens there and they have 6 ducks that come in everybody's yard, including mine. She said they poop all over the place, eat my grass and we take pride in our grass, I have found them in my flowers. She said they have destroyed my flowers and I don't know if they brought them here or who brought them here but I know that they were in there chicken coop for over a week so these ducks are theirs too. She said they have ducks, chickens, roosters and I have to deal with it, not them because they are up on the hill. She said they don't have to look out their windows and see this chicken coop, not them.

William Tron asked can I respond.

President Willis said sure.

William Tron said you see a chicken coop but me and my brother and my friends, we started this project when we were 17 over the summer and we didn't know anything about construction. He said we learned how to build this ourselves and how to put it together and all this. He said I know you say it is an ugly chicken coop but we do see it out of our back window that is how I make sure the birds are okay. He said I traveled to several different states to get these birds and so as you see just a chicken coop, this is a lot more than that to me.

Christina Stefurak said no, I don't just see a chicken coop. She said I see chickens, a dilapidated building in front of me.

William Tron said okay well I am just asking for a little more time to get graduated and then I can get it all tore down and taken care of so you don't have to look at it anymore.

Amanda Mosiman said so kudos on making the adjustments, we are going to give you a little more time to get it down because congratulations on graduating. She asked are the ducks yours, were they part of your flock at any point in time.

William Tron said yes, there are three of them that were mine and there were three that joined in.

Amanda Mosiman said right they can do that sometimes.

William Tron said my mom says she thinks they came from Alcapolco but I don't know.

Amanda Mosiman said yeah, that would make a lot of sense. She said it is pretty easy to do, they can join in. She asked are you willing to try to get those captured and relocated as well.

William Tron said yes, I am wanting to get them relocated. He said I think I can get them as soon as I graduate. He said 100% that will be my effort to get that done.

President Willis said if you wanted to keep the 6 chickens there is a way to do it but you would just need to get a permit for the coop.

William Tron said yeah, I have had such a hassle with it all though so I would rather just be done with it.

Amanda Mosiman asked so your whole plan is to get rid of the coop and get rid of all the chickens.

William Tron said yeah, I hate to do it but I ended up getting on Facebook Marketplace, that is where I was doing it all and I had people from a few other states and they very nicely got the birds off my hands.

Bob Johnson said well good job on building the coop with your friends, I am sure that was a fun experience.

William Tron said yeah, it was a very fun experience but obviously rules are rules and I understand that now so I am just glad I know that now so next time I know what to do.

Bob Johnson said just next time just do your due diligence and you will be alright.

Amanda Mosiman made a motion to give the Tron's 21 days to get the coop cleared out and all the birds off the property. The motion was seconded by Richard Reid and carried unanimously.

Mrs. Barnhill asked William, will you please leave your contact information on the sign in sheet. She said please leave your email and phone number as well.

William Tron said thank you.

Amanda Mosiman said William if you need help relocating those here is my email.

William Tron said yes ma'am, thank you.

PP-21-05: Bell Road Apartments PUD East: PETITIONER/OWNER: Crescent Valley Capital, LLC by Raiza Indiana Trust, Mansoor Khan, Manager. 16.60 acres located on the W side of Bell

Road. Approximately 500' N of the intersection formed by Bell Road and High Pointe Drive. Ohio Twp 22-6-9. *Complete legal on file. (Advertised in the Standard April 29, 2021).*

Scott Buedel, Project Engineer, was present.

Scott Buedel said he is about 15 minutes away.

Attorney Doll said well we could go ahead and start the presentation, we just cannot take a vote until he is here. President Valiant called for a staff report. He said my suggestion of the Board would be to do that.

Scott Buedel said I appreciate the time you all have taken to wait on him.

Amanda Mosiman said before we jump into this, Molly if I leave will I mess with quorum.

Mrs. Barnhill said no.

Amanda Mosiman said okay I have to go to another meeting on the fair. Amanda Mosiman left the meeting at 7:10 p.m. and the meeting continued with a quorum.

President Willis called for a staff report.

Mrs. Barnhill said we have all the green cards showing the adjacent property owners were notified correctly. She said the property is zoned "PUD/C-4" Planned Unit Development General Commercial. She said there is some Zone A flood plain. She said the base flood elevation has been determined in this area which has established the flood protection grade 392.20'. She said any structures will be required to be constructed 2 feet above the base flood elevation, which is indicated by the plat, and certified by an engineer in a certified plot plan or they will have to fill the property and have it removed in a LOMA. She said there is 1 lot consisting of 6.22 acres. She said the Commissioner's approved private road plans today. She said the Drainage Board approved the drainage plans today. She said Newburgh sewer has capacity and Chandler Water has capacity. She said the proposed development is 6 buildings at 24 units each consisting of 144 unit apartment complex and the plat is in order.

President Willis asked if there was anything to add to the staff report.

Scott Buedel said yes, this already did have primary approval. He said it was initially platted as a 3 lot subdivision. He said Lot 1 is what we did Phase 1 as for the development so that is what we constructed and it is partially under construction now. He said the Lot 2 was going to be Phase 2 of the apartments and then Lot 3 was going to be a commercial lot right up front, south of the entrance right onto Bell Road. He said the apartments are doing very well so he decided to go ahead and continue with the apartments. He said so that is why we just decided to replat, and in addition he wanted to get in a couple extra buildings in there when we took out the commercial lot. He said this took a little bit of reconfiguration on the overall layout of the development but we did get two extra building from what we had planned and then we eliminated the commercial lot so there will not be a commercial lot. He said so now is just all apartments on the entire site and

on the back end of it they are either all up and people are living in it or there are still a few that are under construction and it seems to be a nice development and going very well for him.

Richard Reid asked how many units are on the back side.

Scott Buedel said I think it is the same but I do not have that with me. He said I think there were 6 buildings on the back side too and the clubhouse and pool are back there also.

Richard Reid asked so you will only have one clubhouse.

Scott Buedel said yes, this is the clubhouse for the whole development.

Richard Reid said so you have 288 units right.

Scott Buedel said yes that sounds right and part of the reason for the reconfiguration too was we initially had the buildings to have more of the 2 bedroom units instead of the 1's and the 3's, and for whatever reason, and I don't know if it is pandemic related, but the 3's were flying off the shelves and he was having trouble with the 2's so he changed the footprint just slightly to more 3 bedroom units on the additional building. He said so just the same kind of thing that Victoria was talking about, just as you go you kind of add what is needed. He said we are just glad to have the ability to make that change midstream here and just keep him going.

Richard Reid asked what does the 3 bedroom rent for.

Scott Buedel said I don't know.

Bob Johnson asked you planning on moving.

Richard Reid said no, just wondering.

Bob Johnson said from what I understand they are pretty reasonable. He said I have a young guy out of high school who works for me and he is going to move in there and I want to say the 1 bedroom is \$450 to \$500.

Richard Reid said that's good.

Scott Buedel said beyond that, I don't know if there is a whole lot to add to it but we had preliminary approval before and we are just reconfiguring and with the new Bell Road in place I think everything will be good. He said I think that was the initial concern starting out, only having the one entrance on the back end and we weren't ready to tie into Bell Road yet with the condition it was in, but now Bell Road is up and running, widened, and opened so I don't see that being an issue.

President Willis asked for remonstrators.

Scott Buedel said I am so sorry for the wait, I did remind him this morning but we could have resolved this if I knew this was going to be an issue but this morning we got the thumbs up that the meeting times and everything were going to be okay. He said he texted and said he had an emergency surgery at 5 o'clock and I will say if we can't get this situated out tonight then I will definitely get the paperwork in place to be the representative at the next meeting. He said he just texted me and said almost, and if you would like I could make a phone call and find out what almost means and then you all can hopefully take a vote on it.

Attorney Doll asked for a 5 minute recess.

Bob Johnson made a motion for a 5 minute recess. The motion was seconded by Richard Reid and carried unanimously.

Meeting reconvened at 7:16 p.m.

Mansoor Khan, Crescent Valley Capital, LLC by Raiza Indiana Trust, Manager, was present.

Richard Reid made a motion for approval of PP-21-05. The motion was seconded by Bill Byers and carried unanimously.

ATTORNEY BUSINESS:

EXECUTIVE DIRECTOR BUSINESS:

Richard Reid made a motion to adjourn. The motion was seconded by Bob Johnson and carried unanimously. The meeting adjourned at 7:23 p.m.

Jeff Willis, President

ATTEST:

The undersigned Secretary of the Warrick County Area Planning Commission does hereby certify the above and foregoing is a full and complete record of the Minutes of the said Board at their monthly meeting held May 10, 2021.

Molly Barnhill, Executive Director

Jeff Willis, President